



March 17, 2026

VIA HAND DELIVERY

Mr. Sam Hayes
North Carolina State Board of Elections
430 N. Salisbury St.
Raleigh, NC 27603-1362

Re: Recount in 2026 Republican Primary for N.C. Senate District 26

Dear Mr. Hayes,

I am Phil Berger, a candidate for North Carolina Senate District 26. My election contest is within the jurisdiction of the North Carolina State Board of Elections. At the time of writing this letter, the vote margin stands at 23 votes. This margin is less than 1.0% of the total votes cast in this race.

Pursuant to N.C. Gen. Stat. § 163-182.7(c)(1), I request that a recount be conducted under the supervision of the North Carolina State Board of Elections for Senate District 26 race in the counties of Guilford and Rockingham.

Based on a review of available records of the SD26 race, there are 1 overvote and 134 undervotes in Rockingham County and 2 overvotes and 83 undervotes in Guilford County, which total more than the 23-vote margin in the Senate District 26 race. These overvotes and undervotes could very likely determine the outcome of this race. Therefore, I request that, during the initial recount, any ballot that a machine identifies as having an overvote or an undervote be counted by hand by a bipartisan team of four to determine voter choice consistent with 08 N.C.A.C. 09.0106.

The State Board has the power to require the counties to count the overvotes and undervotes by hand pursuant to N.C. Gen. Stat. § 163-22(a) and (c). By counting the overvotes and undervotes by hand during the first machine recount process, the candidates and the public can have confidence in the accuracy of the vote count in this very close race without the need to conduct a full hand-to-eye recount of all votes cast.

Respectfully,

A handwritten signature in blue ink, appearing to read "Phil Berger", written in a cursive style.

Philip E. Berger